

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VITT,

No. C05-3957 MJJ

Plaintiff,

**ORDER OF CONDITIONAL DISMISSAL**

v.

BARNHART,

Defendant.

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this case,

IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

Dated: 2/1/06

  
MARTIN J. JENKINS  
United States District Judge